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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In re Applications of)	MM Docket No. 97-76
)	
POSITIVE ALTERNATIVE RADIO, INC.)	File No. BPED-920327MH
)	RECEIVED
For Construction Permit for a New)	
Noncommercial Educational FM Station)	JUN 17 1997
on 88.1 MHz (Channel 201A) at)	
Point Pleasant, West Virginia)	Federal Communications Commission
)	Office of Secretary
and)	
)	
THE UNIVERSITY OF WEST VIRGINIA)	File No. BPED-921023MB
BOARD OF TRUSTEES)	
)	
For Modification of Facilities of Station)	
WMUL-FM at Huntington, West Virginia)	

To: Honorable Arthur I. Steinberg
Administrative Law Judge

**JOINT MOTION FOR
SUSPENSION OF PROCEDURAL DATES**

POSITIVE ALTERNATIVE RADIO, INC. ("PAR") and THE UNIVERSITY OF WEST VIRGINIA BOARD OF TRUSTEES ("University"),¹ by their respective attorneys, hereby respectfully move the Presiding Judge to suspend all procedural dates set forth in the *Order Prior to Prehearing Conference, FCC 97M-35 (released March 4, 1997)*. In support whereof, the following is shown:

I. At the Prehearing Conference held on March 26, 1997, PAR circulated a technical amendment plan designed to eliminate the mutual

¹Hereafter collectively referred to as the "Joint Movants."

exclusivity between PAR's proposal and University's proposal. A copy of the technical amendment plan is attached hereto as Exhibit No. 1.

II. PAR and University have agreed to proceed forward with the technical amendment plan, whereby each of their respective engineering proposals will be modified, subject to the approval of the FCC, to eliminate the mutual exclusivity that now exists between their proposals. Should this Joint Motion be approved, and the PAR and University technical amendments ultimately approved by the Commission, there would no longer be any need for a hearing in this proceeding. There are no basic qualifying issues designated against either PAR or University, and no clarifying amendments were requested by the Chief of the Audio Services Division in the *Hearing Designation Order*.

III. The public interest would be served by the proposed suspension of procedural dates in that it would conserve the resources of the Commission and the parties and avoid burdening the record with unnecessary papers. Such action would also be consistent with, and further Congress' intent in the *Paperwork Reduction Act of 1980*.

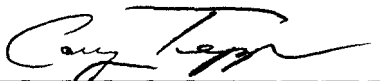
IV. Counsel for PAR has discussed these matters with the Bureau's counsel of Record in this proceeding, and has obtained their consent to the filing of this Motion. PAR and University will work with the Bureau's counsel and its designated engineer to ensure that the preparation and filing of the technical amendments are handled in a manner satisfactory to the Commission.

V. The parties understand that the technical amendments must be filed prior to the scheduled August 12, 1997 hearing date.

WHEREFORE, the above premises considered, the Joint Movants hereby respectfully urge that all procedural dates -- other than the Hearing Date -- in this Proceeding be SUSPENDED.

Respectfully submitted,

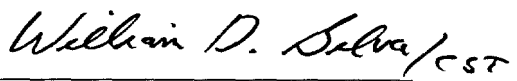
POSITIVE ALTERNATIVE RADIO, INC.

By: 
Cary S. Tepper
Christopher D. Imlay

Its Counsel

Booth, Freret, Imlay & Tepper, P.C.
1233 20th Street, N.W.
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**THE UNIVERSITY OF WEST VIRGINIA
BOARD OF TRUSTEES**

By: 
William D. Silva
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June 17, 1997

Exhibit No. 1

(Technical Amendment Plan)

CARL E. SMITH CONSULTING ENGINEERS

"SERVING THE BROADCAST INDUSTRY FOR OVER 50 YEARS"

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March 13, 1997

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Mr. Cary Tepper
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Via Telecopier

Dear Cary:

We have completed a review of the conflict between the application of Positive Alternative Radio, Inc., for a construction permit for a new noncommercial educational FM station on Channel 201 in Point Pleasant, West Virginia, and the application of WMUL(FM) - Huntington, West Virginia, which operates on Channel 201, for a construction permit to improve their operating facilities. This review was conducted to attempt to arrive at a solution which would eliminate the conflict between these two applications in light of their recent designation for a comparative hearing.

The Point Pleasant application proposes a new operation with a maximum effective radiated power of 3 kilowatts at 90 meters above average terrain and utilizes a directional antenna to provide the required protection to the licensed operation of WMUL. WMUL presently operates with a nondirectional effective radiated power of 1.15 kilowatts at 17 meters below average terrain. The WMUL application proposes to increase their effective radiated power to 9 kilowatts nondirectional, while also slightly increasing their antenna height to 12 meters below average terrain.

As a preliminary step, frequency searches were conducted to determine if there were any alternate channels in the reserved band available in either Huntington or Point Pleasant to which one of these facilities could be moved to eliminate this conflict. Unfortunately, these frequencies found that Channel 201 is the only reserved band channel available for use in Point Pleasant and is also the only channel in the reserved band available for use by WMUL in Huntington. Thus, moving one of these two facilities to another channel to resolve this conflict is not an option.

Based on the above information, the only available option to resolve this conflict would be to modify the proposed operating facilities for both stations to eliminate any prohibited contour overlap. Since the 40 dBu contour for the proposed operation of WMUL encompasses the proposed Point Pleasant transmitter site, any such resolution will require a fairly significant reduction in the proposed WMUL radiation toward Point Pleasant to eliminate this overlap, regardless of the extent of the modifications to the proposed Point Pleasant facilities. On the

Mr. Cary Tepper
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other hand, the Point Pleasant proposal already utilizes a directional antenna to provide the required protection to the licensed operation of WMUL, which limits the amount of further reduction in signal which can be realized toward WMUL without significantly reducing the radiation in other directions. Furthermore, the restrictions imposed on WMUL to protect the Point Pleasant proposal are more a function of the location of the proposed Point Pleasant facility than they are of the proposed Point Pleasant radiation toward WMUL. Thus, it is not possible to eliminate this conflict by reducing the proposed Point Pleasant radiation toward WMUL, without a corresponding modification to the proposed WMUL facilities.

The scenario outlined below to eliminate this conflict involves modifying the proposed operating facilities for both stations without changing the proposed transmitter sites, antenna heights, or maximum effective radiated power values. The modifications to the Point Pleasant proposal would involve modifying the proposed directional antenna to reduce the radiation toward WMUL to the minimum permitted by Section 73.316 of the FCC Rules while still maintaining a maximum effective radiated power of 3 kilowatts. Figure 1.0 presents the proposed modified directional pattern for the Point Pleasant proposal, which incorporates a 15 dB null in the direction of WMUL. The modifications to the proposed operation of WMUL would involve the use of a directional antenna to provide the required protection to the modified Point Pleasant proposal while maintaining the proposed effective radiated power of 9 kilowatts. Figure 1.1 presents the proposed directional pattern for WMUL, which incorporates an 8 dB null to prevent any overlap with the modified Point Pleasant proposal.

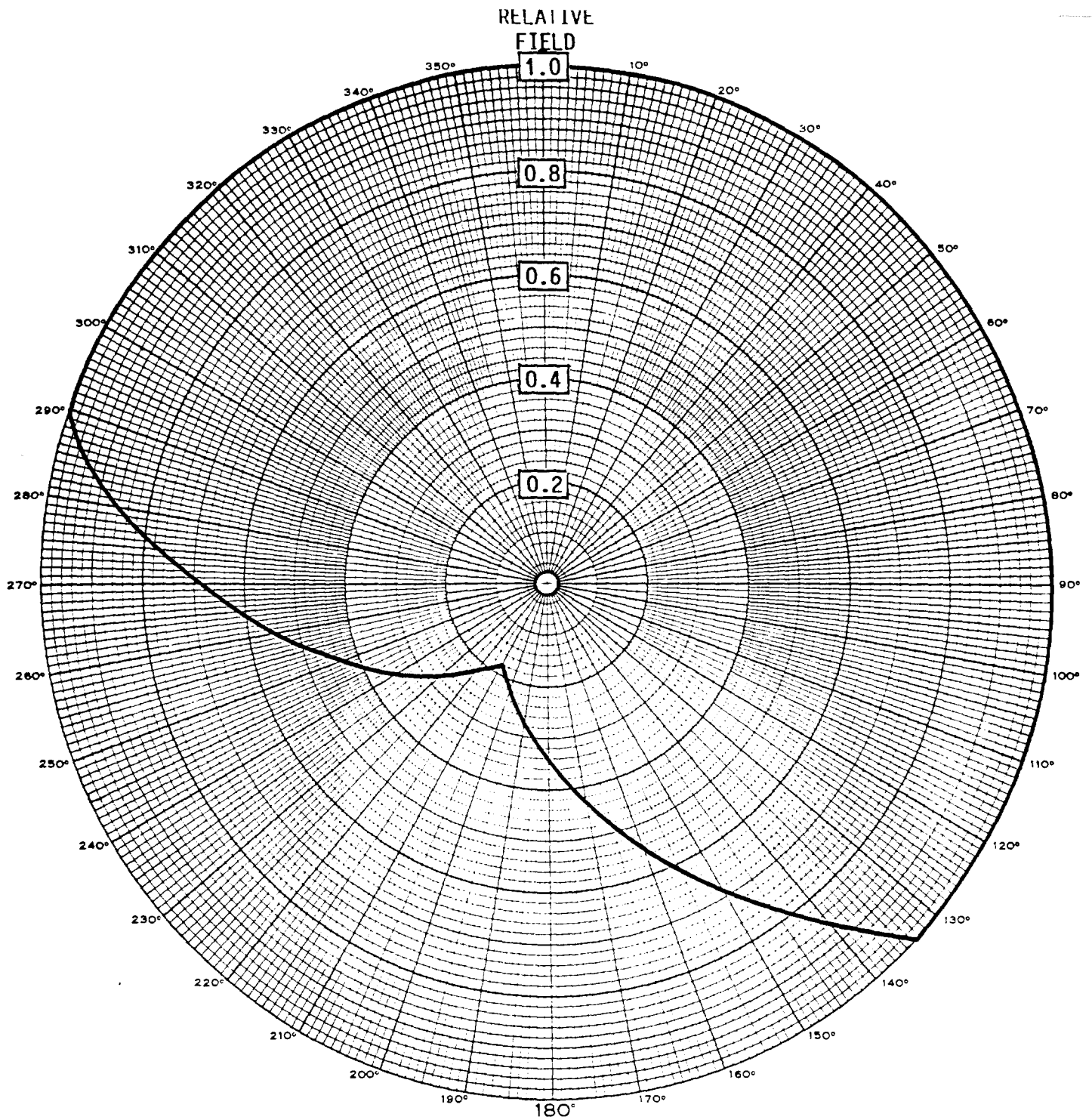
Figure 1.2 is a map exhibit depicting the predicted 1 mV/m contour for the modified Point Pleasant proposal in relation to that predicted for the facilities presently proposed in this application. Similarly, Figure 1.3 presents the predicted 1 mV/m contour for the modified WMUL proposal in relation to those predicted for the presently licensed operation of WMUL and the facilities presently proposed in the WMUL application. You should note that this directional proposal for WMUL would not reduce the coverage below that of the licensed facilities in any direction. Furthermore, the proposed directional pattern reduces the proposed radiation to the northeast, which is not heavily populated, while fully maintaining the facilities presently proposed in the WMUL application toward Ashland, Kentucky, and the other population centers along the Ohio River.

Please don't hesitate to call if you have any questions following your review of this information.

Sincerely,


Roy Stype

RS:sk
Enclosures
cc: Vern Baker
(Via Telecopier)



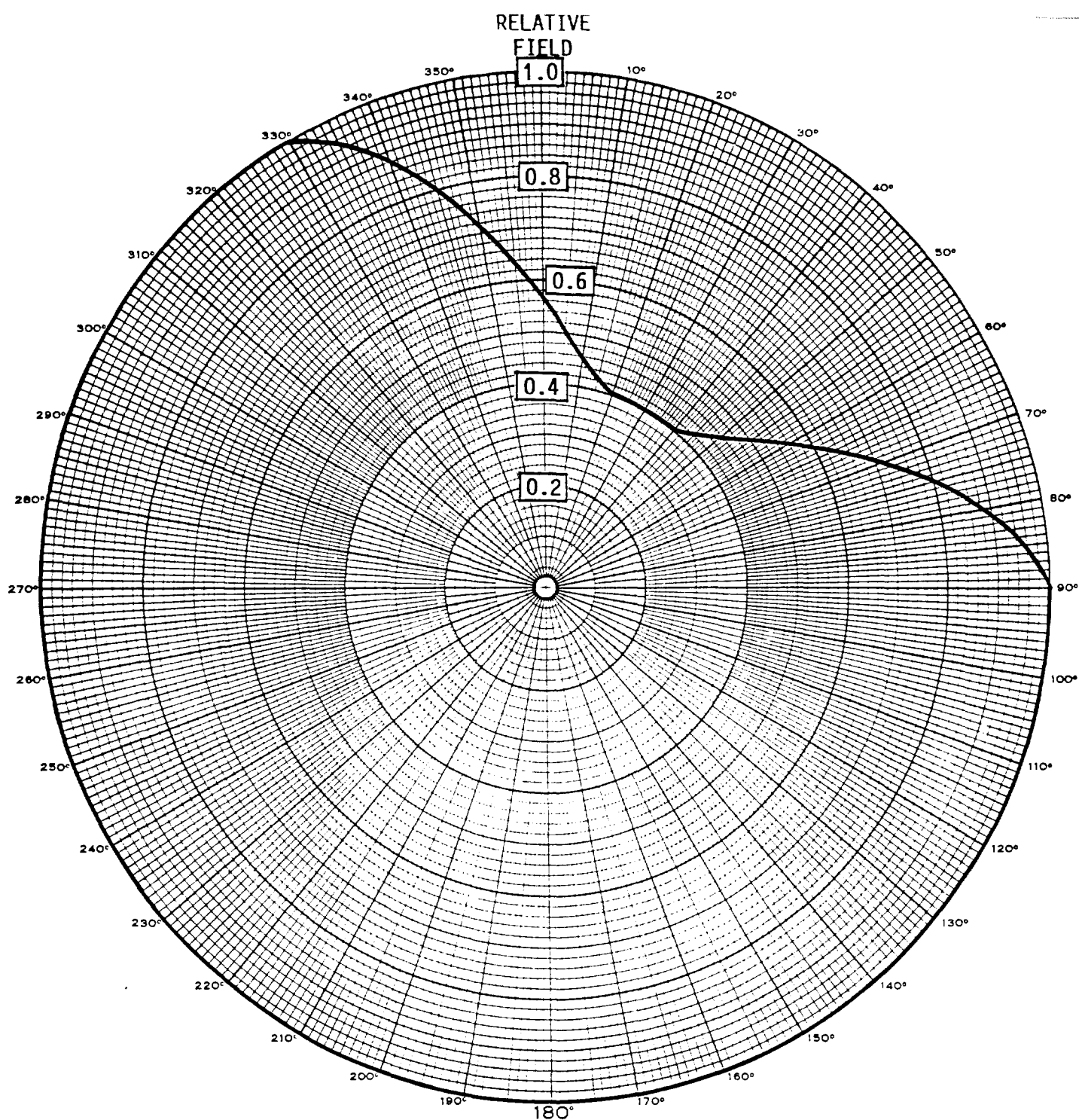
MAXIMUM ERP = 3 kW

FIG. 1.0

PROPOSED MODIFIED
DIRECTIONAL PATTERN

Positive Alternative Radio, Inc.
Point Pleasant, WV

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216/659-4440



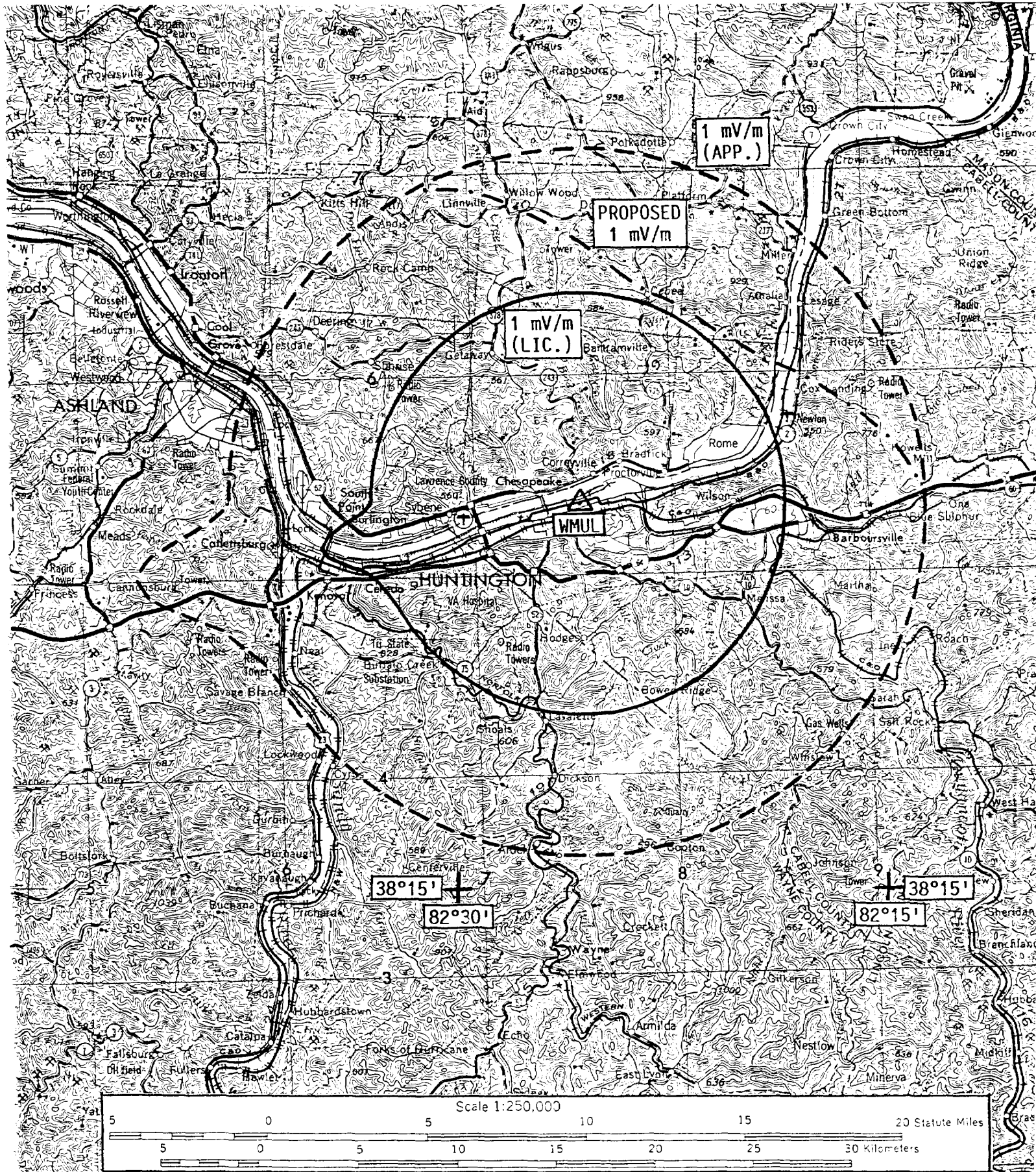
MAXIMUM ERP = 9 kW

FIG. 1.1

WMUL PROPOSED
DIRECTIONAL PATTERN

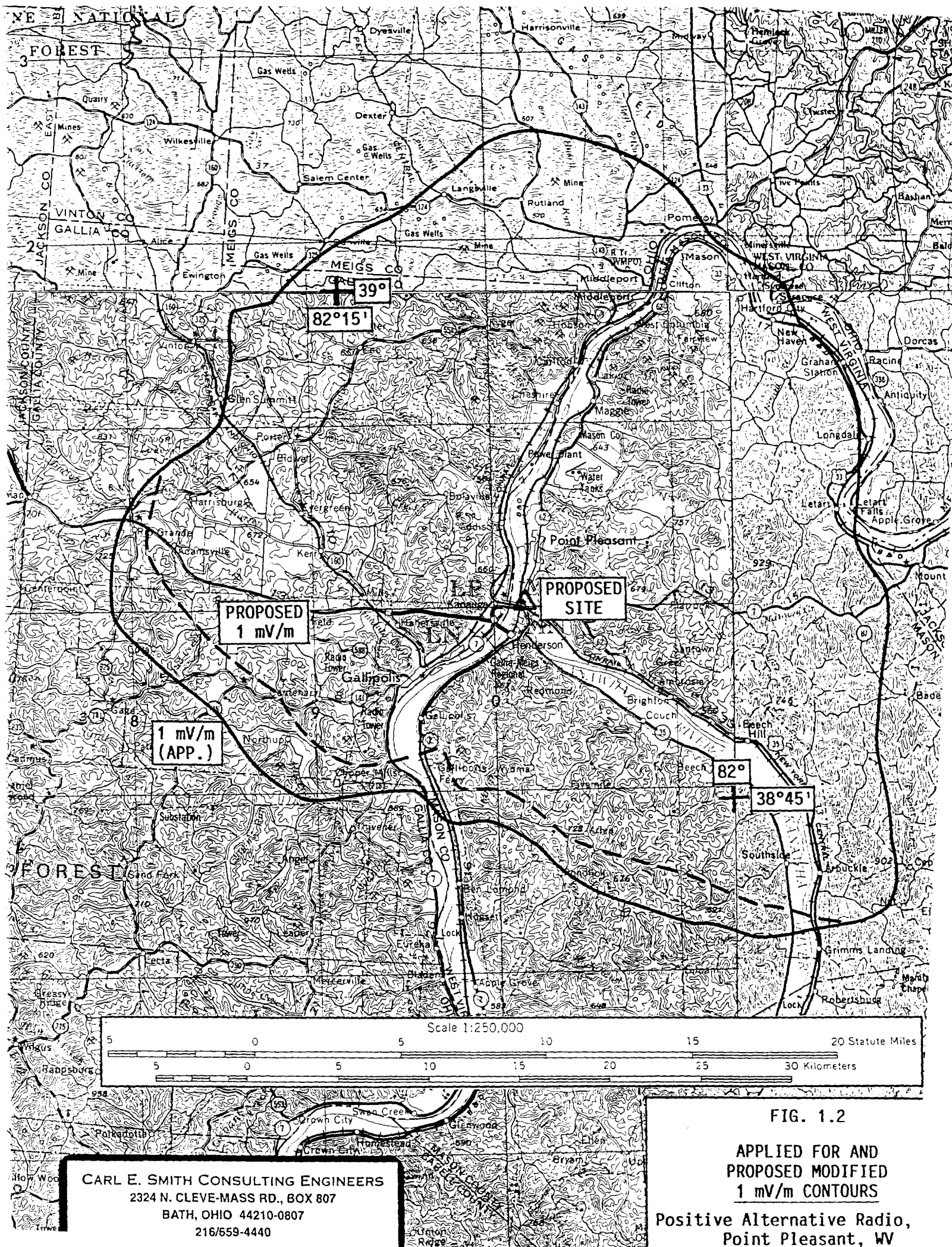
Positive Alternative Radio, Inc.
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FIG. 1.3
WMUL LICENSED, APPLIED FOR,
AND PROPOSED 1 mV/m CONTOURS
Positive Alternative Radio, Inc
Point Pleasant, WV

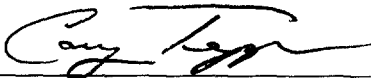


CERTIFICATE OF SERVICE

I, Cary S. Tepper, Esquire, hereby certify that on this 17th day of June, 1997, I have served a copy of the foregoing "**Joint Motion for Suspension of Procedural Dates**" first-class, postage-prepaid, on the following:

*Hon. Arthur I. Steinberg
Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W., Room 228
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*Sonia Greenaway, Esq.
James Shook, Esq.
Hearing Branch, Enforcement Division
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Room 7212
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Cary S. Tepper, Esq.

*denotes Delivery By Hand